

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

GARY R. PRINCE REVOCABLE)
TRUST, et al.,)
Plaintiffs,)
v.) 3:09-cv-00475
CHARLES BLACKWELL, et al.,) Judge Thomas A. Wiseman, Jr.
Defendants.)

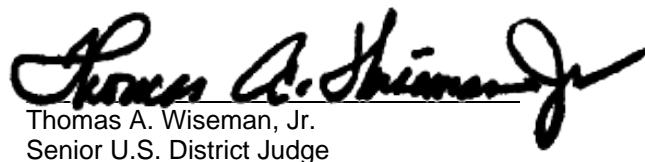
ORDER

The Motion to Exclude Testimony of Plaintiffs' Expert Witness, Ed Neely, by Defendant DBS & Associates Engineering of Clarksville, Inc., Document #32, is **DENIED**. The Plaintiff did not comply with the rules, but no irreparable damage has resulted. As a sanction for such violation, the Plaintiff will pay for any further deposition of Ed Neely as well as a transcript thereof. Defendant shall have 30 days after the entry of this Order to designate an expert and otherwise comply with Rule 26 of the Federal Rules of Civil Procedure.

The trial date previously set is cancelled and the case re-referred to Magistrate Judge Griffin for further case management. A new trial date will be set by separate Order.

In addition, Blackwell Defendants' Motion in Limine to Exclude Testimony of Plaintiffs' Expert Ed Neely, Document #43, is **DENIED**.

IT IS SO ORDERED.



Thomas A. Wiseman, Jr.
Senior U.S. District Judge